



H.C.P.No.498 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.498 of 2023

Chandra
Wife of Karthikeyan

.. Petitioner

Vs.

1. The Superintendent of Police
Salem.
2. The Inspector of Police
AWPS Vazhapadi,
Vazhapadi.
3. Karthikeyan
S/o.Subramani

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 2nd respondent to produce the petitioner's son minor K.Mehul Maniyam, aged 2.9 years (born on 24.04.2020) before this Hon'ble Court from the custody of the 3rd respondent and to handover to the petitioner.

Page Nos.1/6



H.C.P.No.498 of 2023

For Petitioner : Mr.S.C.Vishwanth
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.N.Narkeeran, Advocate

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

This order will now dispose of the captioned 'Habeas Corpus Petition'
['HCP' for the sake of brevity].

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 31.03.2023 which reads as follows:

'Petitioner has filed this habeas corpus petition for production of her minor son who was born on 24.04.2020 stating that the third respondent is detaining the minor child illegally and the petitioner is unable to know the well-being of the minor child.

2. Learned counsel for the petitioner submits that the petitioner and third respondent are spouses and due to matrimonial discord, the petitioner had earlier lodged a complaint with All Women Police Station, Attur in C.S.R. No.143 of 2023 on 04.03.2023. The third respondent instead of



appearing for enquiry sent a photostat copy of unnumbered G.W.O.P. filed by him before the Family Court, Salem making false allegations. He further submits that the petitioner being a mother is primarily concerned with the well-being of the minor son.

3. *Mr.M.Mohideen, learned counsel along with Mr.Peer Mohammed (with address for service at No.265, Additional Chambers, Chennai - 1) for third respondent is before us. Learned counsel for third respondent submits that the petitioner has voluntarily left the matrimonial home and the minor son is with the third respondent. He further submits that the third respondent is ready to appear before this Court along with minor child to prove that there is no forcible detention by him.*

4. *Both the petitioner and the third respondent are directed to be present before this Court along with the minor child on 05.04.2023.*

List the matter on 05.04.2023 at 12.00 noon.'

3. Today, Mr.S.C.Vishwanth, learned counsel on record for petitioner, Mr.K.M.Vivekanandan, learned counsel on record for third respondent, who has come by way of change of vakalat and who says vakalatnama will be filed in the Registry today and Mr.R.Muniyapparaj, learned Additional



H.C.P.No.498 of 2023

Public Prosecutor for respondents 1 and 2 (official respondents) instructed by Ms.K.Dhanalakshmi, Inspector of Police, All Women Police Station, Vazhapady, Salem District are before us.

4. Pursuant to the aforementioned earlier proceedings dated 31.03.2023, today petitioner and third respondent along with their minor son are present before us. We had the benefit of interaction with petitioner and third respondent one after the other. Post interaction owing to what the petitioner and third respondent had to say, we passed over the matter to enable the petitioner and third respondent to have a discussion. To be noted, this is in the forenoon session. In the afternoon session, the aforementioned parties who are before us submitted that the petitioner and third respondent would now live together in their matrimonial home along with their minor son. This by itself drops the curtain on the captioned HCP. Therefore, we deem it appropriate to say that this will also lead to closure of the complaint given to the second respondent and guardian OP said to have been filed in the Family Court, Salem. Though this order can be used for closure of the complaint and guardian OP, we make it clear that all the rights



H.C.P.No.498 of 2023

and contentions of the petitioner, third respondent, their minor son and all others concerned with this matter are preserved for future proceedings if any between the parties.

5. In the light of the narrative thus far, captioned HCP is disposed of as closed with the aforementioned observations albeit preserving all rights and contentions of the parties in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

05.04.2023

Index : Yes

Speaking Order

Neutral Citation : Yes

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To

1. The Superintendent of Police
Salem.
2. The Inspector of Police
AWPS Vazhapadi,
Vazhapadi.
3. The Public Prosecutor
High Court, Madras.

Page Nos.5/6



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H.C.P.No.498 of 2023

M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

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H.C.P.No.498 of 2023

05.04.2023

Page Nos.6/6